

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jeffrey W. Baxter, et al.

Application No. \_\_\_\_\_

Filed: November 18, 2003

For: APPARATUS AND METHOD FOR  
MINIMALLY INVASIVE SURGERY  
USING ROTATIONAL CUTTING TOOL

Examiner: Not yet assigned

Art Unit: Not yet assigned

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450INFORMATION DISCLOSURE STATEMENT

Sir:

Applicant hereby requests consideration of the enclosed Information Disclosure Statement pursuant to 37 C.F.R. §1.97(b). Attached are the PTO Forms 1449 and Forms 892 from the parent application filed on March 9, 2000 (Serial No. 09/522,254) and from the continuation application filed on December 17, 2001 (Serial No. 10/022,680). These previous applications are relied upon for an earlier filing date under 35 U.S.C. §120.

Pursuant to C.F.R. §1.98(d), copies of the references are not being provided herewith since they were previously sent to the Patent and Trademark Office. Please consider these cited documents in the currently pending §1.53(b) continuation application filed on November 18, 2003.

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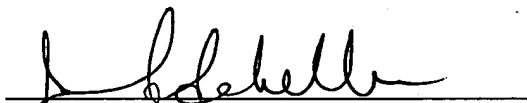
11-18-03  
(Date signed)

Pursuant to 37 C.F.R. § 1.97, the submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed as an admission that the information cited in this statement is material to patentability.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 11/18, 2003



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Substitute For Form 1449A/PTO  
(Modified 5-19-2000)INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

(use as many sheets as necessary)

Complete if Known

Application No

09/522,254

Filing Date

March 9, 2000

First Named Inventor

Jeffrey W. Baxter, et al.

Group Art Unit

3731

Examiner Name

Not Yet Assigned

Sheet 1 of 6

Attorney Docket Number

004131.P005

## U.S. PATENT DOCUMENTS

Examiner Initials*	U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication Cited Document MM-DD-YYYY	Filing date if Appropriate
HJ	5,954,720	Wilson, et al.	09-21-1999	10-01-1997
HJ	5,951,549	Richardson, et al.	09-14-1999	12-20-1996
HJ	5,891,141	Rydell	04-06-1999	04-23-1998
HJ	5,860,975	Goble, et al.	01-19-1999	12-15-1995
HJ	5,817,013	Ginn, et al.	10-06-1998	03-19-1996
HJ	5,766,166	Hooven	06-16-1998	02-01-1996
HJ	5,573,424	Poppe	11-12-1996	02-09-1995
HJ	5,540,685	Parins, et al.	07-30-1996	05-05-1995
HJ	5,462,546	Rydell	10-31-1995	02-05-1993
HJ	5,445,638	Rydell, et al.	08-29-1995	07-16-1993
HJ	5,356,408	Rydell	10-18-1994	07-16-1993

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Foreign Patent Document	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation? Yes/No
	Office or Country Number Date			

## OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

Examiner Initials*	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), publisher, city and/or country where published (if title of the item known). (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s).	Translation? Yes/No
HJ	Innovative Healthcare Devices, Inc., Product Information Sheet For STATLase-SDL™, 2 pages, date unknown.	
HJ	Product Information Sheet, ENDO-AID™ Suction Irrigation Devices, July 1997, 2 pages.	
HJ	Product Information Sheet, LifeQuest, Dexterity Pneumo Sleeve, date unknown, 1 page.	

Examiner

Date Considered

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Date Considered

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Complete if Known

Application No

09/522,254

Filing Date

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First Named Inventor

Jeffrey W. Baxter, et al.

Group Art Unit

3731

Examiner Name

Not Yet Assigned

Sheet 2 of 6

Attorney Docket Number

004131.P005

## U.S. PATENT DOCUMENTS

Examiner Initials*	U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication Cited Document MM-DD-YYYY	Filing date if Appropriate
Hy	5,352,222	Rydell	10-04-1994	03-15-1994
Hy	5,282,799	Rydell	02-01-1994	07-11-1991

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Foreign Patent Document	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation? Yes/No
	Office or Country Number Date			

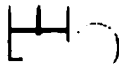
## OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

Examiner Initials*	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), publisher, city and/or country where published (if title of the item known). (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s).	Translation? Yes/No
Hy	Production Information Sheet, SST, Double Action Clip Applier, date unknown, 1 page.	
Hy	Everest Medical, Web page, Molly 3mm Bipolar Forceps, 1998, 2 pages.	
Hy	Apple Medical Corporation, Web page, Bipolar Forceps, 1997, 2 pages.	
Examiner	Date Considered	
Hy	8/25/01	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Examiner Signature	Date Considered
Hy M. John	8/25/01

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Substitute For Form 1449A/PTO (Modified 5-19-2000)  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)	Complete if Known	
	Application No	09/522,254
	Filing Date	March 9, 2000
	First Named Inventor	Jeffrey W. Baxter, et al.
	Group Art Unit	3731
Examiner Name	Not Yet Assigned	
Sheet 3 of 6	Attorney Docket Number	004131.P005

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	Office or Country	Number	Date			

## OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

Examiner Initials*	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), publisher, city and/or country where published (if title of the item known). (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s).	Translation? Yes/No
Hy	Apple Medical Corporation, Web page, Fischer Cone Biopsy Devices, 1997, 2 pages.	
Hy	Apple Medical Corporation, Web page, Scissors, date unknown, 1 page.	
Hy	Apple Medical Corporation, Web page, Hunt Organizer and Ureteral Illuminator, date unknown, 2 pages.	

Examiner	<i>H. John</i>	Date Considered	8/25/01
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			

Examiner Signatur	<i>H. John</i>	Date Considered	8/25/01
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	Application No	09/522,254
	Filing Date	March 9, 2000
	First Named Inventor	Jeffrey W. Baxter, et al.
	Group Art Unit	3731
	Examiner Name	Not Yet Assigned
Sheet 4 of 6	Attorney Docket Number	004131.P005

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	Office or Country	Number	Date			

Examiner Initials*		Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), publisher, city and/or country where published (if title of the item known). (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s).	Translation? Yes/No
ky		ValleyLab, Web page, Disposable Electrocautery with Handswitch – Suction and Irrigation, date unknown, 1 page.	
ky		Elmed, Web page, Bipolar Forceps for Tubal Coagulation, date unknown, 4 pages.	
ky		Everest Medical, Web page, WWW. everestmedical.com, 1996, 1 page.	

Examiner	<i>H. H.</i>	Date Considered	8/25/01
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Examiner Signature		Date Considered	8/25/01
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<b>Substitute For Form 1449/PTO</b> (Modified 5-19-2000)  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)	<i>Complete if Known</i>	
	Application No	09/522,254
	Filing Date	March 9, 2000
	First Named Inventor	Jeffrey W. Baxter, et al.
	Group Art Unit	3731
	Examiner Name	Not Yet Assigned
Sheet 5 of 6	Attorney Docket Number	004131.P005

## U.S. PATENT DOCUMENTS

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	Everest Medical, Web page, WWW. everestmedical.com/Products.HTML, date unknown, 1 page.	
	Everest Medical, Web page, WWW. everestmedical.com, BiSNARE® Bipolar Polypectomy Snare, 1996, 2 pages.	
	Everest Medical, Web page, BiCOAG® Probe, 1996, 2 pages.	

Examiner <i>H. Johnson</i>	Date Considered <i>8/25/01</i>
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Examiner Signature <i>Hy M. Johnson</i>	Date Considered <i>8/25/01</i>
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	Applicati n No	09/522,254
	Filing Date	March 9, 2000
	First Named Inventor	Jeffrey W. Baxter, et al.
	Group Art Unit	3731
	Examiner Name	Not Yet Assigned
	Attorney Docket Number	004131.P005

## U.S. PATENT DOCUMENTS

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		Everest Medical, Web page, BiLAP® Bipolar Cutting and Coagulating Probes, 1996, 2 pages.	
		Everest Medical, Web page, BiLAP® Bipolar Needle Electrode, 1996, 2 pages.	
		Everest Medical Home Web page, <a href="http://www.everestmedical.com">www.everestmedical.com</a> , 1996, 1 page.	

Examiner	Date Considered
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Examiner Signature	<i>Ken M. [Signature]</i>	Date Considered	5/25/01
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**Notice of References Cited**

Application/Control No.

09/522,254

Applicant(s)/Patent Under  
Reexamination  
BAXTER ET AL.

Examiner

Hank Johnson

Art Unit

3739

Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number	Date	Name	Classification	
		Country Code-Number-Kind Code	MM-YYYY			
	A	US-6,010,477	01-2000	Bays	604	22
	B	US-5,849,023	12-1998	Mericle	606	180
	C	US-5,810,809	09-1998	Rydell	606	49
	D	US-5,651,781	07-1997	Grace	606	1
	E	US-5 527 331	06-1996	Kresch et al	606	170
	F	US-5,437,630	08-1995	Daniel et al	604	22
	G	US-5,411,514	05-1995	Fucci et al	606	180
	H	US-5,364,395	11-1994	West, Jr.	606	46
	I	US-5,190,541	03-1993	Abele et al	606	46
	J	US-				
	K	US-				
	L	US-				
	M	US-				

**FOREIGN PATENT DOCUMENTS**

*		Document Number	Date	Country	Name	Classification	
		Country Code-Number-Kind Code	MM-YYYY				
	N						
	O						
	P						
	Q						
	R						
	S						
	T						

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Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

**Notice of References Cited**

Application/Control No.

10/022,680

Applicant(s)/Patent Under  
Reexamination  
BAXTER ET AL.

Examiner

Henry M Johnson, III

Art Unit

3739

Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,810,809	09-1998	Rydell, Mark A.	606/46
	B	US-5,437,630	08-1995	Daniel et al.	604/22
	C	US-5,217,479	06-1993	Shuler, Donald K.	606/180
	D	US-3,945,375	03-1976	Banko, Anton	606/49
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

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	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

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**(use as many sheets as necessary)**

Sheet	1	of	1
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Application Number	10/022,680
Filing Date	December 17, 2001
First Named Inventor	Jeffrey W. Baxter
Group Art Unit	3739
Examiner Name	
Attorney Docket Number	4131P005C

AUG 29 2002

TECHNOLOGY CENTER R3700

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[illegible]

Examiner Signature	<i>W. M. [Signature]</i>	Date Considered	1/17/03
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